



CERTIFICATE OF NONCONFORMITY

APPLICATION

(Section 120-191B)

BUREAU OF PLANNING AND ZONING
CITY HALL, 30 CHURCH STREET, ROOM 121-B
ROCHESTER, NEW YORK 14614
585-428-6080

WHAT IS A NONCONFORMITY?

A nonconformity is any use of land, building or structure, including an accessory use, which does not comply with the Zoning Code regulations of the zoning district in which a property is located, unless granted by Variance. Nonconforming uses are often referred to as grandfathered uses.

WHAT IS THE PURPOSE OF A CERTIFICATE OF NONCONFORMITY?

The Certificate of Nonconformity shall establish the legality of a nonconformity including intensity, vacancy or percentage of damage or shall be used to assess the proposed reoccupancy or reuse of any nonconforming use of land, building or structure. **The burden of proof for establishing a nonconformity is, in all cases, upon the applicant. The failure to provide sufficient evidence for approval of a nonconformity will result in a denial of the Certificate of Nonconformity.**

HOW IS A CERTIFICATE OF NONCONFORMITY APPLICATION SUBMITTED?

Applications MUST be submitted to the City Permit Office, Room 121-B City Hall. In some cases, appointments may be required.

APPLICATION REQUIREMENTS	ADDRESS: _____
◆ <u>Non-refundable fee of \$150.00</u>	◆ <u>Survey map of site plan</u>
◆ <u>Floor plans (labeled & drawn to scale)</u>	◆ <u>Photos (interior & exterior, labeled)</u>
◆ <u>Denied Certificate of Zoning Compliance</u>	
<input type="checkbox"/> <u>Intensity of use:</u> Affidavits, sworn to and notarized, describing both the proposed and the previous uses indicating: (a) Size of operation (sq. ft.) (b) Hours and days operation (c) Volume and type of sales (d) Processing activities (e) Nature and location of storage (f) Transportation needs by volume & type (g) Parking & loading needs (h) Noise, smoke, odor, glare, vibration, radiation, & fumes.	
<input type="checkbox"/> <u>Vacancy/Discontinuance:</u> Affidavits, sworn to and notarized, by persons who have been familiar with, but who have no financial interest in, the property and its use, establishing: (a) The name, phone number, & address of the person making the affidavit; (b) An acknowledgement that the purpose of the affidavit is to legalize the use of the structure; (c) The affiant's relationship to the property and length of time familiar with it; (d) The prior and the proposed uses of the property; (e) The manner in which the property was known to have been used; (f) How long the proposed and the prior uses may have occupied the property; (g) Any known periods of use, or vacancy and discontinued use, of the property.	
<input type="checkbox"/> Copies of City Directory listings (Haines or Polk Directories) obtainable at the Rundel Library (Local History Division, 428-8370) to show the names of occupants from _____ to _____;	
<input type="checkbox"/> Other documents to support this application such as rental receipts, utility records, tax records, Receipts from contractors, receipts from associated businesses, etc.;	
<input type="checkbox"/> <u>Built-as condition:</u> Documentation of how the affected building was originally designed, such as floor plans, photos, Sanborn Map (ask Zoning Staff), etc.	
<input type="checkbox"/> <u>Extension of Abandonment Period:</u> For applications requiring extensions of time to discontinue nonconforming uses, a description of the circumstances requiring such an extension, and a time frame or work plan for re-occupancy. [Important: Refer to Section 120-199G of the City Code.]	
<input type="checkbox"/> Other: _____	
NOTE: ANY CERTIFICATE OF NONCONFORMITY ISSUED BASED UPON FALSE INFORMATION SHALL BECOME NULL AND VOID.	

[Rev. 12/19/08]



APPLICATION
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[PLEASE TYPE OR PRINT IN DARK INK]

1. **PROPERTY LOCATION:** _____
2. **APPLICANT:** _____
ADDRESS: _____ **ZIP CODE:** _____
PHONE/FAX/EMAIL: _____
- INTEREST IN PROPERTY:** Owner _____ Lessee _____ Other _____
3. **REQUEST (Give complete & accurate description):** _____

4. **DOES THE REQUESTED USE CURRENTLY EXIST? IF SO, WHEN DID IT COMMENCE?** _____
5. **HOW IS THIS PROPERTY CURRENTLY OCCUPIED AND USED? (Show on floor plan and survey map.)** _____

6. **DESCRIBE PRIOR USES OF THE PROPERTY AND THE LOCATION OF THOSE USES WITHIN THE STRUCTURE AND PREMISES:** _____

7. **DESCRIBE WHEN, WHERE, AND WHY THE PROPERTY VACANCIES OCCURRED:** _____

APPLICANT: I certify that the information supplied on this application is complete and accurate, and that the activity described, if approved, will be completed and/or conducted in accordance with the conditions and terms of that approval.

SIGNATURE: _____ **DATE:** _____

OWNER (if other than above): I have read and familiarized myself with the contents of this application and do hereby consent to its submission for approval.

SIGNATURE: _____ **DATE:** _____

[FOR OFFICE USE ONLY]

ADDRESS: _____

FILE NUMBER: _____

DATE FILED: _____

FEE: _____